

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Edward Brown,

Civil No. 08-4936 (DWF/JJG)

Plaintiff,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

Ms. E. Alexander, DHO Officer,

Defendant.

James Edward Brown, *Pro Se*, Plaintiff.

The above-entitled matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**.
2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1).
3. Plaintiff is **REQUIRED** to pay the unpaid balance of the Court filing fee, namely \$336.67, in accordance with 28 U.S.C. § 1915(b)(2).

4. For purposes of 28 U.S.C. § 1915(g), this action is **DISMISSED** “on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted.”

Dated: October 20, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court